

東吳大學九十九學年度碩士在職專班研究生招生考試試題

第 1 頁，共 1 頁

系級	法律學系碩士在職專班財經法律組	考試時間	90 分鐘
科目	英文	本科總分	100 分

This examination is to test your ability in understanding English documentation, and your ability to explain, in English and/or in Chinese as may be asked in the following questions, the plain meaning of the documentation. NO dictionary is allowed in the examination. [One Page only]

Part One

Please read the following paragraphs very carefully, then RESTATE in concise Chinese the whole excerpt:

AA. *The Organisation for Economic Co-operation and Development (OECD)* brings together the governments of countries committed to democracy and the market economy from around the world to: support sustainable economic growth, boost employment, raise living standards, maintain financial stability, assist other countries' economic development, and contribute to growth in world trade. [20%]

BB. *Breach of contract*, that is its nonperformance without excuse, results in a claim for damages. In addition to *nonperformance*, *breach* includes *defective performance*, as well as *delayed performance* in cases in which it was due at a particular time by an express stipulation or of an implied condition if no such stipulation. Furthermore, once a party declares that he/she will not perform the contract, the other party may be justified in considering it as a *present breach*. [20%]

CC. *Contributory negligence* is the want of ordinary care which contributes to an accident. Contributory negligence may result from the failure of the person claiming damages to use the care which a reasonable person would have used to avoid danger, or it may result from his voluntarily exposing himself to danger. The latter, sometimes called "*assumption of risk*," will defeat a recovery in a negligence action. [20%]

Part Two

Please use concise English to RESTATE the following paragraphs:

1. 民法第一百六十一條第一項規定：「依習慣或依事件之性質，承諾無須通知者，在相當時期內，有可認為承諾之事實時，其契約為成立。」 (20%)
2. 公司法第一百九十四條規定：「董事會決議，為違反法令或章程之行為時，繼續一年以上持有股份之股東，得請求董事會停止其行為。」 (20%)